

**BOARD BILL NO. 288**

**INTRODUCED BY: ALDERWOMAN DIONNE FLOWERS**

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,  
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in Second Street between  
3 Mound and Mullanphy in the City of St. Louis, Missouri, as hereinafter described, in accordance  
4 with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing  
5 certain conditions on such vacation.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian  
8 and pedestrian travel, between the rights-of-way of:  
9

10 A tract of land being part of Second Street, 36.00 feet wide, situated between City  
11 Blocks 240, 241.18 and 247 of the City of St. Louis, Missouri, being more  
12 particularly described as follows:  
13

14 Beginning at a point on the Northern right of way line of Mullanphy  
15 Street, 59.00 feet wide, at its intersection with a point on the Eastern  
16 right of way line of Second Street, 36.00 feet wide; thence  
17 Southwesterly, along the Northeasterly prolongation of the Southern  
18 line of City Block 247 and also being the Northern right of way line  
19 of said Mullanphy Street, south 83 degrees 27 minutes 09 seconds  
20 West, 36.00 feet to its intersection with a point on the Western right  
21 of way line of Second Street, as aforementioned; thence  
22 Northwesterly, along the Western right of way line thereof, North 06  
23 degrees 23 minutes 21 seconds West, 587.30 feet to its intersection  
24 with a point on the Northeasterly prolongation of the Northern line of  
25 said City Block 247 and also being the Southern right of way line of  
26 Mound Street, 59.00 feet wide; thence Northeasterly, along said  
27 Northeasterly prolongation, North 83 degrees 27 minutes 09 seconds  
28 East, 36.00 feet to its intersection with a point on the Eastern right of  
29 way line of said Second Street, 36.00 feet wide; thence Southeasterly  
30 along the Eastern right of way line thereof, South 06 degrees 33  
31 minutes 21 seconds East, 587.30 feet to the point of beginning and  
32 containing 21,143 square feet (0.49 acres, more or less).  
33

34 are, upon the conditions hereinafter set out, vacated.

35 **SECTION TWO:** Katy LLC will use vacated area to consolidate property to provide

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1 parking and loading dock access. The Water Division has a 12" main with appurtenances in 2<sup>nd</sup>  
2 Street in the area of the proposed vacation and as shown on the accompanying drawings. The Water  
3 Division will require an easement allowing for uninhibited access to the water main and  
4 appurtenances for the purposes of maintenance, repair and access to existing and future service  
5 connections and meters. No construction of any kind can occur on or above the water main and its  
6 appurtenances without the prior review and approval of the Water Commissioner. In the event that  
7 the Water Division is unable to readily access the water main or the applicant plans on construction  
8 on or over the water main and its appurtenances, the applicant will be required to cover the costs  
9 related to capping out the existing water main and the installation of a replacement water main as  
10 needed.

11 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
12 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public  
13 including present and future uses of utilities, governmental service entities and franchise holders,  
14 except such rights as are specifically abandoned or released herein.

15 **SECTION FOUR:** The owners of the land may, at their election and expense remove the  
16 surface pavement of said so vacated street provided however, all utilities within the rights-of-way  
17 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

18 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders  
19 shall have the right and access to go upon the land and occupation hereof within the rights-of-way  
20 for purposes associated with the maintenance, construction or planning of existing or future  
21 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably  
22 required.

23 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
24 vacated without: 1) lawful permit from the Building Division or Authorized City agency as

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1 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
2 service entities and franchise holders, present or future. The written consent with the terms and  
3 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
4 agencies as needed and approved by such Board prior to construction.

5 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities  
6 of a utility, governmental service entity or franchise holder by agreement in writing with such  
7 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the  
8 undertaking of such removal.

9 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within  
10 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
11 have curbing cobblestones returned to the Department of Streets in good condition.

12 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty  
13 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to  
14 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this  
15 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if  
16 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be  
17 deposited by these agencies with the Comptroller of the City of St. Louis.

- 18 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
19 Water facilities, if any.
- 20 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
21 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
22 be returned.
- 23 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments  
24 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as

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1 specified in Sections Two and Eight of the Ordinance.

2 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
3 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
4 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
5 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
6 within the prescribed time the ordinance will be null and void.

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